

**REMARKS**

The Examiner rejected claims 1-52 as being indefinite. Specifically, the Examiner rejected claim 1 as being indefinite because the Examiner found it "unclear if the 'machine' in line 3 is the same 'machine' in line 4." The Examiner also rejected claim 9 as being indefinite and inquired "how many 'second provider' are claimed?" August 31, 2005 official action, page 2, ll. 8-10.

Regarding the rejection of claim 1, the machine recited in line 3 of claim 1 may or may not be the same machine recited in line 4 of claim 1. That is, in some embodiments, the machine of line 3 is the same machine as the machine of line 4. In other embodiments, the machine of line 3 is not the same machine as the machine of line 4. Claim 2 makes this distinction clear by reciting a first machine and a second machine.

Regarding the rejection of claim 9, the second healthcare provider recited in claim 9 is preceded by the definite article "the" and, accordingly, refers to the same second healthcare provider as recited in claim 1. The 35 U. S. C. § 112 rejections are thus overcome.

The Examiner rejected claims 1-3 under 35 U. S. C. § 102. The Examiner relied upon Sato U. S. Patent 5,911,687 (hereinafter Sato) to support this rejection. In regard to claim 1, the Examiner contends that:

"As per claim 1, Sato discloses a first healthcare provider to consult a second healthcare provider regarding at least one of diagnosis and treatment of a patient, wherein the first healthcare provider requesting a consultation on a machine, and the second healthcare provider submitting a consultation on a machine."  
August 31, 2005 official action, page 2, l. 21-page 3, line 1.

To support this conclusion, the Examiner points to figures 1, 10, 13, and 14 and the following passages from Sato:

"The management center monitors the whole electronic hospital and integrates and manages treatment history data of residents in the corresponding local area generated in all medical facilities."  
Sato, col. 7, ll. 57-61.

"S7081, S7082, S7083: When the doctor side approves registration of the patient, the management center side 104 registers the doctor and patient in the doctor patient correspondence file in the electronic hospital 605." Sato, col. 9, ll. 4-7.

"In this case, the pharmacy side 103 refers to the medicine

information of the patient of the management center 104 and the check terminal 403 on the pharmacy side executes the same check process." Sato, col. 12, ll. 34-38.

However, neither Sato's figures 1, 10, 13, 14, nor the above-quoted passages, nor anything else in Sato, discloses "the first healthcare provider requesting a consultation on a machine, and the second healthcare provider submitting a consultation on a machine," all as recited in claim 1. Sato neither discloses nor suggests any consultation between healthcare providers. Sato is not concerned with healthcare provider-to-healthcare provider communication. Rather, Sato is directed only to patient-to-healthcare provider communication. For example, Sato discloses that

"[a]n object of the present invention is to realize a wide area medical information system and a method for use thereof by which a patient located in a remote area, for example, in an arbitrary location anywhere in the country can receive remote examination and treatment services of high satisfaction and medical treatment related services other than examination and treatment regardless of the location of the doctor/facilities relative to the patient." Sato, col. 1, line 65-Col. 2, line 6).

As such, Sato discloses a system in which a patient may remotely request and receive examination and/or treatment from a healthcare provider. Sato, however, neither discloses nor suggests any apparatus or method whereby healthcare providers request and submit consultations concerning a diagnosis or treatment.

For at least the reasons provided above, the Examiner's rejection of claim 1 is overcome. Claim 1 is believed to be in condition for allowance.

The Examiner rejected claims 4-15, 17, 18, 20, 21, 23, 24, 26, 27, 29, 30, 32, 33, 35, 36, 38, 39, 41, 42, 44, 45, 47, 48, 50, and 51 under 35 U. S. C. §103. The Examiner relied upon the combination of Sato and Ray published U. S. Patent Application 2002/0055176 (hereinafter Ray) to support this rejection. Ray claims the benefit of the November 8, 2000 filing date of U. S. provisional application 60/246,775. As such, Ray is not *prima facie* prior art to the present application which claims the benefit of the October 26, 2000 filing date of U. S. provisional application 60/243,374. Accordingly, the rejection based upon the Sato/Ray combination is overcome. Claims 4-15, 17, 18, 20, 21, 23, 24, 26, 27, 29, 30, 32, 33, 35, 36, 38, 39, 41, 42, 44, 45, 47, 48, 50, and 51 are believed to be in condition for allowance.

The Examiner rejected claims 16, 19, 22, 25, 28, 31, 34, 37, 40, 43, 46, 49, and 52

under 35 U. S. C. §103. The Examiner relied upon the combination of Sato, Ray and Modney U. S. Patent 6,014, 432 (hereinafter Modney) to support this rejection. Again, Ray is not *prima facie* prior art to the present application. Accordingly, the rejection based upon the Sato/Ray/Modney combination is overcome. Claims 16, 19, 22, 25, 28, 31, 34, 37, 40, 43, 46, 49, and 52 are thus also believed to be in condition for allowance.

For at least the reasons discussed above, Applicants believe that claims 1-52 are in condition for allowance. Such action is respectfully requested. Claims 53-63 have been added and are also believed to be allowable, at least for the reasons noted above. Accordingly, allowance of claims 1-63 is solicited.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg LLP, Deposit Account No. 10-0435 with reference to file 5489-69021.

Respectfully submitted,



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